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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,132	10/09/1987	Keith A. Snail	70,840	6820
7590 12/10/2004				
THOMAS E. McDONNELL Department of the Navy Ballston Centre Tower Research 800 N. Quincy Street Arlington, VA 22217			EXAMINER STAFIRA, MICHAEL PATRICK	
			ART UNIT 2877	PAPER NUMBER
DATE MAILED: 12/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 09/430,132	Applicant(s) SNAIL ET AL.	
	Examiner Michael P. Stafira	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 9 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-8 and 10-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 1987 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed August 20, 1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed August 20, 1999 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

The examiner reviewed the file and recognizes that the applicant filed an IDS August 20, 1999, but the examiner can't find a copy of the references or a copy of the PTO-1449 in the file. The examiner wishes that the applicant's supply a copy of the references and Pto-1449 in the response to this office action so as not to delay the examination process.

Oath/Declaration

3. Again examiner notes a declaration filed in the application but, the file fails to provide the "Appendix" or "Exhibit" which the applicant is trying to benefit. The examiner wishes that the applicant supply a copy of the declaration in response to this office action so as the applicant can benefit from the declaration. Examiner apologizes for the state in which the examiner has received the application.

Specification

4. In the response to the next office action please submit a new specification, because the copy the examiner received has a reference "SPIE Conference on Infrared Optics" inserted as pages 14-29 which is improper.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

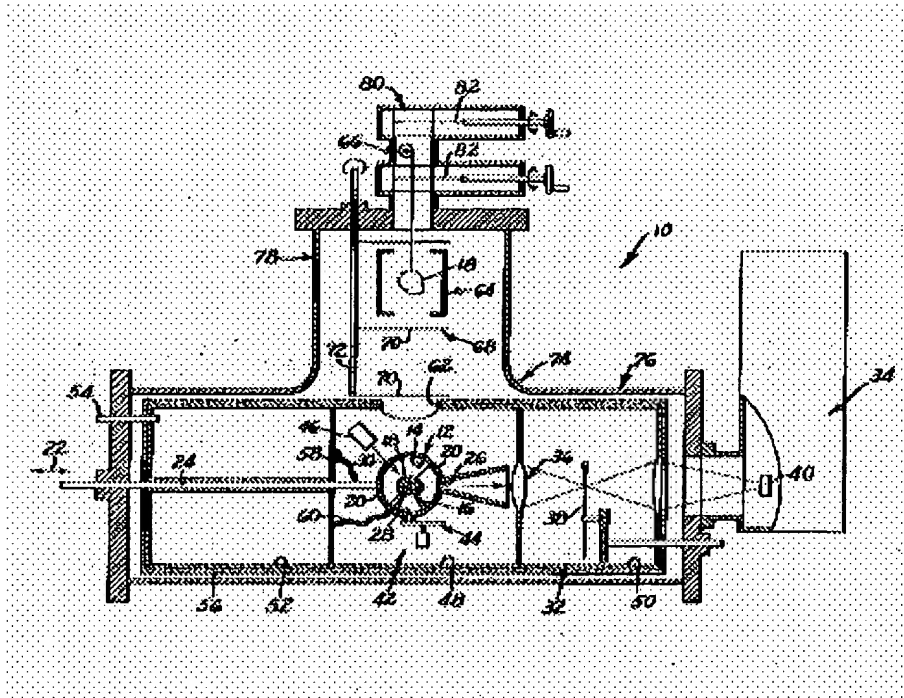
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sparks ('809).

Claim 1

Sparks ('809) discloses an integrating sphere (Fig. 1, Ref. 12)(Col. 1, lines 23-27); an airtight chamber means (Fig. 1, REF. 48, 50, 52) effective to provide the inside of said chamber means with a non-air atmosphere of preselected composition (Col. 5, lines 55-67)(Col. 7, lines 15-18); and a means for mounting a sample inside said integrating sphere (Fig. 1, Ref. 16).



Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks ('809).

Claim 4

Sparks ('809) discloses a mounting means (Fig. 1, Ref. 16) mounted on the inside wall of the integrating sphere (Fig. 1, Ref. 12).

Sparks ('809) discloses the claimed invention except for clamping means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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combine Sparks ('809) with the clamping means since it was well known in the art that using a clamping means provides a securing means that prevents the sample from moving when unpredicted force is applied to the chamber, therefore increasing the reliability of the measurement.

Claim 5

Sparks ('809) discloses the integrating sphere (Fig. 1, Ref. 12) has a port (Fig. 1, Ref. 30) passing through the wall of the sphere for mounting is effective to expose the sample to light flux (Fig. 1, Ref. 46) incident upon the port from the inside of the sphere.

Sparks ('809) discloses the claimed invention except for clamping means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Sparks ('809) with the clamping means since it was well known in the art that using a clamping means provides a securing means that prevents the sample from moving when unpredicted force is applied to the chamber, therefore increasing the reliability of the measurement.

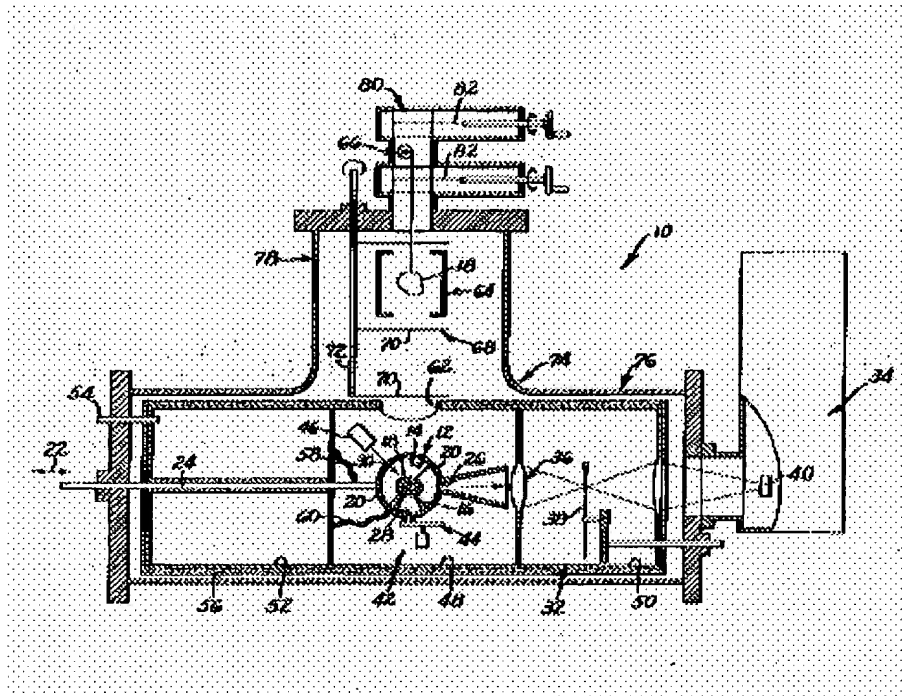
Claim 9

Sparks ('809) discloses an integrating sphere (Fig. 1, Ref. 12), said sphere having a wall and a port means (Fig. 1, Ref. 30) for passing light flux (Fig. 1, Ref. 46) from the inside of said sphere to the outside (Fig. 1, Ref. 26), a means for mounting a sample (Fig. 1, Ref. 16) effective to expose at least a portion of the sample to light flux exiting from the interior.

Sparks ('809) discloses the claimed invention except for clamping means. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Sparks ('809) with the clamping means since it was well known in the art that using a

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clamping means provides a securing means that prevents the sample from moving when unpredicted force is applied to the chamber, therefore increasing the reliability of the measurement.



Allowable Subject Matter


9. Claims 2, 3, 6-8, 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael P. Stafira
Primary Examiner
Art Unit 2877

December 7, 2004